

## UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/809,012	03/25/2004	Ingo Lampke	THIELK-030XX	THIELK-030XX 7827	
7	590 10/28/2004		EXAM	INER	
Bourque & Associates, P.A. Suite 303			BROWN,	BROWN, PETER R	
835 Hanover S	treet		ART UNIT	PAPER NUMBER	
Manchester, NH 03104			3636		
			DATE MAILED: 10/28/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
Office Action Summany	10/809,012	LAMPKE ET AL.	4				
Office Action Summary	Examiner	Art Unit					
	Peter R. Brown	3636					
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the co	orrespondence ad	dress				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	6(a). In no event, however, may a reply be tim within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from to cause the application to become ABANDONED	ely filed will be considered timely the mailing date of this co (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on	<b>-</b> '						
2a) ☐ This action is FINAL. 2b) ☒ This	This action is FINAL. 2b)⊠ This action is non-final.						
3) Since this application is in condition for allowan	☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under E	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims							
4)⊠ Claim(s) <u>1-10</u> is/are pending in the application.							
4a) Of the above claim(s) is/are withdraw	vn from consideration.						
5) Claim(s) is/are allowed.	5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-5</u> is/are rejected.	☑ Claim(s) <u>1-5</u> is/are rejected.						
7)⊠ Claim(s) <u>6-10</u> is/are objected to.	☑ Claim(s) <u>6-10</u> is/are objected to.						
8) Claim(s) are subject to restriction and/or	election requirement.						
Application Papers							
9) ☐ The specification is objected to by the Examine	r.						
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) ☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PT	O-152.				
Priority under 35 U.S.C. § 119							
<ul> <li>12) Acknowledgment is made of a claim for foreign</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents</li> <li>2. Certified copies of the priority documents</li> <li>3. Copies of the certified copies of the priori application from the International Bureau</li> <li>* See the attached detailed Office action for a list of the priori application for a list of the priori application for a list of the priori application from the International Bureau</li> </ul>	s have been received. s have been received in Application ity documents have been received (PCT Rule 17.2(a)).	on No  In this National	Stage				
Attachment(s)							
1) Notice of References Cited (PTO-892)	4) Interview Summary Paper No(s)/Mail Da						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	5) Notice of Informal P		O-152)				

Application/Control Number: 10/809,012

Art Unit: 3636

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Andreasson et al.

Figures 1-7 show structure as claimed, including a headrest that pivots to a generally perpendicular position when lowered below a minimum height. The headrest utilizes an adjustment lever 55 which engages a latch or recess 52, and which disengages therefrom when it comes into contact with an abutment 12 on the seat back to release the angled lever and allow the headrest to pivot.

Claims 6-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wilson, Lee, Leuchtmann, Scolari, Droual, Takeda, Ptak et al, Gilson et al, Gramss et al show various features of the invention.

Art Unit: 3636

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter R. Brown whose telephone number is 703-308-2103. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter R. Brown Primary Examiner Art Unit 3636

prb